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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/990796	
	Filing Date	11/14/2001	
	First Named Inventor	FOCKE	
	Art Unit	3727	
	Examiner Name	Truong, T.K.	
Total Number of Pages in This Submission	30	Attorney Docket Number	20605.007US

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**JUN 23 2004**  
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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Request for Reconsideration and Withdrawal of the Holding of Abandonment</b>
Remarks The USPTO erroneously issued a Notice of Abandonment in this application and Applicant is requesting that it be withdrawn.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Laurence P. Colton TECHNOPROP COLTON LLC
Signature	<i>Laurence P. Colton</i>
Date	23 June 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Typed or printed name	Laurence P. Colton
Signature	<i>Laurence P. Colton</i>
Date	23 June 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent  
Customer No.: 022870  
Docket No.: 20605.007US

**UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT OFFICE**

Applicant: Focke, Heinz et al.

Application No.: 09/990796

Filing Date: 14 November 2001

Title: Process and Apparatus for Producing  
Packs with an Outer Wrapper as well  
as Reel Unit

Art Unit: 3721

Examiner: Truong, T.K.

**REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF THE HOLDING OF  
ABANDONMENT BASED ON EVIDENCE THAT A REPLY WAS TIMELY FILED**

23 June 2004

Via Fax: +1.703.872.9306

Mail Stop Response – No Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

Sir:

The Notice of Abandonment dated 28 May 2004 has been received. The Notice declares that the above-identified patent application was held abandoned because no response was received by the USPTO to Office Action dated 21 October 2003.

**This Notice is in ERROR, as Applicant faxed a timely response on 20 February 2004 to this Office Action.**

I certify that I have transmitted this document via facsimile to the United States Patent and Trademark Office at the official fax number 703-872-9306, this 23<sup>rd</sup> day of June, 2004.

  
Laurence P. Colton

Applicant requests reconsideration and withdrawal of the holding of abandonment **AND** entrance of the Response as filed on 20 February 2004 because the Response was faxed timely on 20 February 2004.

As proof that the Response was submitted by Applicant and received by the USPTO before the due date of 20 February 2004, Applicant attaches:

- 1) A copy of the faxed Response with a certificate of facsimile transmission dated 20 February 2004 (Exhibit A).
- 2) A copy of Applicant's attorneys' fax transmission page indicating that the Response was successfully transmitted to and received by the USPTO on 20 February 2004 (Exhibit B). See 37 CFR.1.8(b)(3).
- 3) A redacted copy of Applicant's credit card statement showing that the USPTO did charge the \$196.00 fee (\$110.00 for a month Extension of Time fee and \$86.00 for Excess Claim Fees) due in connection with the Response (Exhibit C). We have looked through our USPTO payment records and this is the only \$196.00 fee we paid to the USPTO during this time frame and therefore this payment could not have been for any other file.
- 4) Applicant's attorney, Laurence P. Colton, has personal knowledge that the Response was transmitted to the USPTO on 20 February 2004. In fact, Mr. Colton actually personally transmitted the Response to the USPTO.


There is no fee for this Request because Applicant submits recognized proof that a response to the respective office action was received by the USPTO. See 37 CFR §1.8.

The below-signed attorney declares that all statements made herein of his own knowledge are true and that all statements made herein on information and belief are believed to be true, and that he understands that willful false statements and the like are punishable by fine or imprisonment, or both (18 USC 1001), and may jeopardize the validity of the application or document or any registration resulting therefrom.

### CONCLUSION

Applicant respectfully requests that the application be reinstated upon examination of the submitted proof, and that the Response be entered and considered.

Respectfully submitted,  
TECHNOPROP COLTON LLC



Laurence P. Colton  
Reg. No. 33,371

TECHNOPROP COLTON LLC  
PO Box 567685  
Atlanta GA 31156-7685

Tel: 770.522.9762  
Fax: 770.522.9763  
E-Mail: [technoprop@technoprop.com](mailto:technoprop@technoprop.com)

## EXHIBIT A

## EXHIBIT B

HP LaserJet 3100  
Printer/Fax/Copier/Scanner

ND CONFIRMATION REPORT for  
TECHNOPROP  
770.522.9763  
Feb-20-04 6:02PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
257	2/20 5:53PM	8'39"	USPTO	Send.....	21/21	EC144	Completed.....
Total		8'39"	Pages Sent: 21	Pages Printed: 0			

**TRANSMITTAL FORM**  
(to be filed for all communications after issue stage)

Application Number: 00/00796  
Filing Date: 1/14/2003  
First named inventor: SYCHKE  
Art Unit: 1317  
Examiner Name: Fleming, T. K.  
Attorney Contact Number: 1886610701

Total Number of Pages in This Submission: 21

**ENCLOSURES** (check all that apply)

☒ New Transmittal Form  
☒ New Address  
☒ Amendment/Response  
☐ New Fee  
☐ Information/Declaration(s)  
☒ Extension of Time Request  
☐ Cause Abandonment Request  
☐ Information Checkmate Statement  
☐ Certified Copy of Previous Document(s)  
☐ Response to Missing Parts/Response to Appellate  
☐ Response to Missing Part under 37 CFR 1.53 or 1.53a

☐ Information  
☐ Late filing-related Papers  
☐ Petition  
☐ Petition to Convert a Provisional Application  
☐ Power of Attorney, Authorization Change of Correspondence Address  
☐ Transmittal Checklist  
☐ Request for Refund  
☐ CD Number of CD(s): \_\_\_\_\_

☐ After Address communication to Design  
☐ Appeal Communication to Board of Appeals and Intervention  
☐ Appeal Communication to Court (Appeal Motion, Brief, Reply)  
☐ Proprietary Information  
☐ Other Enclosed(s) (under Attorney Control)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Form or last-named name: LAWRENCE F. COLTON  
Signature: *Lawrence F. Colton*  
Date: 20 February 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being transmitted to the USPTO in compliance with the United States Postal Service with sufficient postage to first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 14189, Alexandria, VA 22314-1890 on \_\_\_\_\_.

Typed or printed name: Lawrence F. Colton  
Signature: *Lawrence F. Colton*  
Date: 20 February 2004

This collection of information is required by 37 CFR 1.5. The information is required in order to obtain a benefit by the patent which is the basis for the USPTO's actions in relation to the application. Confidentiality is provided by 38 U.S.C. 421 and 37 CFR 1.54. This collection is considered to be necessary to complete, including processing, review, and forwarding the application to the USPTO. There will be no charge for this collection. Any comments on the collection of information should be submitted to the USPTO, Office of Management and Administration, P.O. Box 14189, Alexandria, VA 22314-1890. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 14189, Alexandria, VA 22314-1890.

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## EXHIBIT C




 Prepared For  
 LAURENCE P COLTON

 Account Number  
 XXXX-XXXXX9-81007

 Closing Date  
 03/16/04

Page 3 of 18

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## Due in Full continued

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	FOOD-BEV	11.00		
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	01 FOOD/BEV			
	ROC No. 000004			
02/29/04	CHEVRON JJP ENTERPRIATLANTA GA			29.61
	JJP ENTERPRISES			
	Description			
	L/MISCELLANEOUS			
	ROC No. 8937834			

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